UNITED STATES PATENT AND TRADEMARK OFFICE

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10/680,186	10/08/2003	Hideo Teramoto	117479	5397

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EXAMINER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *18 May 2007*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-36* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-36* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

DETAILED ACTION

Claim Objections

1.   Claims 32-36 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. The claims recite that the program is recorded on a computer readable medium. This is already claimed in the independent claims.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3.   Claims 1-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gamezone. Burnout Review. 2/12/2007 (http://xbox.gamezone.com/gzreviews/r19113.htm).

     Regarding Claims 1 – 2, 6, 8, 10 and 15, Gamezone discloses an image generation method for generating an image including performing processing of moving first and second moving objects in an object space, generating an image viewed from a given viewpoint in the object space (p. 1, para. 1; where multiple cars race on a virtual track in a video game system and a non player controlled car is a second moving object and a player controlled car is a first moving object), performing processing of changing a value of a first parameter of the second moving object when it is determined that the first moving object and the second moving object have been in an approach relation, generating an action change event in which action of the

second moving object changes when it is determined that the value of the first parameter of the

second moving object has reached a threshold value, and determining that the first and second

moving objects have been in the approach relation when a time difference between the first and

second moving objects becomes smaller than a given set time difference, wherein the time

difference between the first and second moving objects is determined to be smaller than the

given set time difference when the first moving object is positioned within a given distance range

which increases as a speed of the second moving object increases (p. 2, para. 5; where a "near

miss" between two cars generates an award action change event which increases the amount of

energy in a boost meter when two cars approach each other within a certain distance or time

difference range, and where a threshold is a predetermined distance between two cars which

qualifies as a distance to activate a near miss action change event), and resetting or decreasing

the value of the first parameter of the second moving object which has changed due to the

approach relation, when the first moving object is positioned outside first and second distance

ranges which are set in front of and behind the second moving object, respectively, and leaving

the value of the first parameter unchanged when the first moving object is positioned in the first

distance range which is set in front of the second moving object, and changing the value of the

first parameter of the second moving object at a higher change rate as a distance between the first

and second moving objects increases in a direction which intersects a traveling direction at right

angles when the first moving object is positioned in a third distance range which is set behind the

second moving object (p. 2, para. 5; where a near miss can occur at any angle when two cars are

approaching each other, where a first parameter is a boost meter of a non-player car which does

not receive a boost, and where a second parameter is a boost meter of a car attempting a Near

Miss action change event, which does change after the action change event).

While Gamezone does not teach automatically generating an action change event, it has

long been held that automating a manual process is obvious. Furthermore, it is a matter of

design choice that is well within the level of ordinary skill & would yield predictable results.

Gamezone does not specifically teach the second moving object passing the first moving

object. Since this is a race game, it is clearly possible for cars to pass each other. Furthermore, it

is well within the level of ordinary skill to have cars pass each other in a race game.

Regarding Claims 3 – 4 and 7, Gamezone discloses an image generation method, wherein

the value of the first parameter of the second moving object is changed when the first moving

object is positioned within the given distance range which increases as the speed of the second

moving object increases and a ratio of a speed of the first moving object to the speed of the

second moving object is equal to or greater than a given set ratio, wherein the value of the first

parameter of the second moving object is changed at a higher change rate as the time difference

between the first and second moving objects decreases (p. 2, para. 5; where a Burn Meter Score

increases as more high pressure moves are completed, and increases faster as more complicated

pressure moves are completed).

Regarding Claim 5, Gamezone discloses an image generation method, wherein the value

of the first parameter of the second moving object is changed up to the threshold value when the

time difference between the first and second moving objects is smaller than an intermediate set

time difference which is smaller than the given set time difference, and the value of the first

parameter of the second moving object is changed up to an intermediate value which is smaller

than the threshold value when the time difference between the first and second moving objects is greater than the intermediate set time difference and is smaller than the given set time difference (p. 2, para. 5; where a Burn Meter Score increases during a Near Miss only if a player car is sufficiently close to another car).

Regarding Claim 9, Gamezone discloses an image generation method, wherein the third distance range is a distance range, but does not discloses a distance range which increases as a speed of the second moving object increases. However, it would have been obvious to one of ordinary skill at the time of the invention to have modified the image generation method with generic distance range which may or may not change as disclosed by Gamezone, with a specific variable distance range in order to increase challenge and excitement for a player by providing a more varied game experience.

Regarding Claims 11 – 14, 16, Gamezone discloses an image generation method wherein, when a plurality of the second moving objects move in the object space, at least one of the threshold value and a change rate of the first parameter is set for each of the second moving objects, wherein at least one of the threshold value and the change rate of the first parameter of each of the second moving objects is set according to a relative relation between the first moving object and each of the second moving objects, wherein a length of the parameter display object is increased as the threshold value of the first parameter set for each of the second moving objects is greater, the parameter display object being displayed associating with each of the second moving objects (p. 2, para. 5; where a "near miss" between any two cars generates an award action change event when two cars approach each other within a certain distance or time difference range).

Regarding Claims 17 – 21, Gamezone discloses an image generation method, wherein the first parameter of the second moving object is a pressure parameter which virtually indicates a degree of pressure applied to the second moving object (p. 2, para. 5; where a Burn Meter Score increases as more high pressure moves are completed).

Regarding Claims 22 – 26, Gamezone discloses an image generation method, but does not disclose changing game sound to be output according to the change in the value of the first parameter. However, it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the image generation method with sound (p. 3, Sound) of Gamezone with a changing sound for a pressure meter in order to increase audio feedback for a player as is notoriously well known in the art of video games, and specifically status related sound effects in video games.

Regarding claims 27-36, Gamezone describes a program that is inherently recorded on a computer readable medium.

Response to Arguments

Applicant's arguments with respect to claims 1-26 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

4.   Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this

final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Corbett B. Coburn whose telephone number is (571) 272-4447.

The examiner can normally be reached on 8-5:30, Monday-Friday, alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Robert Pezzuto can be reached on (571) 272-6996. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Corbett B. Coburn/
Primary Examiner
Art Unit 3714